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8 UNITED STATES
9 ENVIRONMENTAL PROTECTION AGENCY
10 REGION 9

11 In the Matter of) ORDER
12 FRANK J. STANKOVICH, SR.) Docket No. 84-10
13 Respondent.)
14 Proceeding Under Section)
15 106(a) of the Comprehensive)
16 Environmental Response,)
Compensation and Liability Act)
of 1980 (42 U.S.C. §9606(a)))

17 I

18 JURISDICTION

19 The following Order is issued on this date to Frank
20 Stankovich Sr. ("Respondent") pursuant to the authority vested
21 in the President of the United States by §106(a) of the Compre-
22 hensive Environmental Response, Compensation, and Liability
23 Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., delegated to the
24 Administrator of the United States Environmental Protection
25 Agency (EPA) by Executive Order Number 12316 (August 20, 1981,
26 46 FR 42237), and redelegated to the Regional Administrator,
27 EPA, Region 9. Notice of the issuance of this Order has been
28 given to the State of California.

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II

FINDINGS OF FACT

1. Respondent is lessee and operator of property located at 14014 S. Gracebee, Norwalk, California ("facility"). The facility is approximately 1,600 square feet in area and is a portion of a larger facility operated by Greencastle Inc. A chain-link fence extends around the perimeter of the facility. The ground surface is entirely paved. Runoff from the site is directed toward a drainage ditch which leads to a storm water detention basin and the north fork of Coyote Creek. Within 3 blocks of the facility are a public high school, residences and businesses.
2. The facility is a facility as defined by CERCLA §101(9), 42 U.S.C. 9601(9).
3. Prior to the inspection of this facility, Respondent Stankovich operated the General Disposal Company facility in Santa Fe Springs, California. On July 10, 1981, a chemical fire and explosion destroyed approximately 12,000 of the 18,000 drums stored at the one-acre site. The drums contained paint components, industrial solvents, and pesticides, including some 25 hazardous substances.
4. Respondent has engaged in the storage of hazardous wastes as defined by the Resource Conservation and Recovery Act (RCRA). Respondent has not notified EPA pursuant to §3010(a) of RCRA and failed to submit Part A of the RCRA permit application by November 19, 1980 as required by §3005 of RCRA. As such, the facility has not achieved interim status as

1 defined by §3005(e) of RCRA and therefore is operating in
2 violation of RCRA.

3 5. On May 24, 1984, Chris Vais and Bill Lewis of the EPA
4 Emergency Response Section inspected the facility. They
5 made the following observations:

- 6 A. 450-500 fifty-five gallon drums are stacked on three
7 levels. An estimated 60% of the drums are empty or
8 contain solids. An estimated 40% contain liquids.
9 The drums are in a deteriorating condition, presenting
10 the risk of release of the hazardous substances listed
11 below.
- 12 B. There are approximately 200 five gallon pails filled
13 with paint. These pails are in a deteriorating con-
14 dition.
- 15 C. 17 samples were taken from drums containing liquids.
16 The liquids sampled were generally classified as paints,
17 paint wastes and waste oils. The flammability of each
18 sample was determined on site. Five of the samples
19 were determined to be highly flammable. Analysis of the
20 headspace gas indicated the presence of the following
21 volatile organic compounds at the concentrations noted:

| | | |
|----|-----------------------|------------|
| 22 | 1,1,1-trichloroethane | 25,600 ppm |
| 23 | p-xylene | 1,400 ppm |
| 24 | acetone | 525 ppm |
| 25 | methyl ethyl ketone | 8,100 ppm |
| 26 | tetrahydrofuran | 100 ppm |

27 These organic compounds are "hazardous substances" as
28 defined in §101(14) of CERCLA.

- 1 D. At various areas within the facility the ground was
2 visibly stained by unknown solvents.
- 3 E. An elevated level of radioactivity, 25 microrems, was
4 measured at the facility; background levels were measured
5 at 7-10 microrems.
- 6 F. A strong odor, characteristic of paint solvents, was
7 detected by the inspectors, indicating the possible
8 release of vapors from the drums.
- 9 6. A threat to human health and the environment exists in the
10 event of a fire and explosion at the facility, in that:
- 11 A. The emission of toxic by-products of combustion is
12 highly likely as a result of fire or explosion.
- 13 B. Debris propelled from the facility due to fire or
14 explosion would increase the likelihood of direct
15 contact with the public.
- 16 C. Large volumes of contaminated runoff can be expected
17 to escape from the facility during fire-fighting
18 activities.

19 III

20 DETERMINATION

21 Based upon the foregoing Findings of Fact, the Regional
22 Administrator has determined that hazardous substances are stored
23 at the facility and that the release or threat of release of
24 such substances from the facility may present an imminent and
25 substantial endangerment to the public health or welfare or the
26 environment. The initiation of immediate removal action will
27 prevent or mitigate immediate and significant risk of harm to
28 human life or health or the environment.

1 The Regional Administrator has further determined that
2 Respondent is the current operator responsible for conducting
3 the actions ordered herein, which are necessary to abate the
4 endangerment to public health and the environment.

5 IV

6 ORDER

7 Based upon the foregoing Determination and Findings of
8 Fact, Respondent is ordered and directed, pursuant to §106(a) of
9 CERCLA, 42 U.S.C. §9606 et seq., to (I) prepare and submit to
10 EPA for approval a written proposal ("Proposal") for the removal
11 and disposal of all hazardous substances in the facility and
12 (II) implement the Proposal after receiving EPA approval of
13 same. The Proposal shall include the following:

- 14 1. A plan to remove all hazardous substances from the
15 facility.
- 16 2. A plan for the sampling and analysis of hazardous sub-
17 stances to satisfy any requirements for transporting or
18 disposing of same from the facility. The plan shall
19 include provisions for the legal transport and disposal
20 of all hazardous substances in an authorized hazardous
21 waste disposal facility in accordance with all Federal,
22 State, and local regulations.
- 23 3. A site safety plan.
- 24 4. A plan for taking representative samples of hazardous
25 substances at the facility to be provided to EPA. The
26 location, number and types of samples and analyses to be
27 taken will be specified by the EPA.
- 28 5. All samples shall be collected, preserved, packaged,

1 shipped, handled, and prepared for analysis according to
2 the protocols specified by the EPA On-Scene Coord-
3 inator. All sample handling shall be performed according
4 to the chain of custody procedures described in Appendix
5 A of this Order. Any samples analyzed pursuant to this
6 Order shall be analyzed according to EPA-approved analytical
7 methods.

8 6. A schedule for the implementation of the Proposal. The
9 schedule shall provide for the total clean-up of the
10 facility within 14 days of EPA approval of the Proposal.

11 Respondent shall submit the Proposal and provide for receipt
12 of same by EPA at the address listed below by 12 noon on Thursday,
13 June 7, 1984. The proposal shall be submitted to the contact
14 person named in the Order.

15 Respondent shall assume full responsibility for any claims
16 arising from the activities conducted by Respondent or his rep-
17 resentatives or consultants in connection with this Order.

18 Respondent shall provide access to the site for EPA employees,
19 contractors, or consultants at all reasonable times and shall
20 permit such persons to be present and move freely in the area
21 where any work is being conducted pursuant to this Order.

22 EPA shall designate an On-Scene Coordinator (OSC) who shall
23 have the authority vested by 40 CFR §300 et seq., published at
24 47 FR Part 31180 (July 16, 1982).

25 V

26 OPPORTUNITY TO CONFER--EFFECTIVE DATE

27 Under the provisions of CERCLA, Respondent may request
28 a conference to be held at any time before submittal of the

1 Proposal to discuss the Order, its applicability, the correctness
2 of any factual determinations upon which the Order is based, the
3 appropriateness of any action which Respondent is ordered to
4 take, and any other relevant or material issue. Such request
5 may be made orally, but must be confirmed in writing. At any
6 conference held pursuant to Respondent's request, Respondent may
7 appear in person, with counsel or other representatives for the
8 purpose of presenting any objections, defenses or contentions
9 which Respondent may have regarding this Order.

10 This Order is effective immediately upon receipt of same by
11 Respondent.

12 VI

13 LIABILITY

14 If the OSC determines that Respondent is not complying with
15 the terms of this Order, or that Respondent is not proceeding
16 with work in a timely manner, or that Respondent's activities
17 pose an imminent and substantial endangerment to the public
18 health or welfare or the environment, the OSC may halt
19 Respondent's activities and initiate a federal cleanup of the
20 facility. Respondent may then be ordered to reimburse EPA for
21 the costs of such activity pursuant to §107(c) of CERCLA.

22 You are advised that willful violation or failure or refusal
23 to comply with this Order, or any portion hereof, may subject you
24 to civil penalty of not more than \$5,000.00 for each day in
25 which violation occurs or such failure to comply continues, in
26 accordance with §106(b) of CERCLA. Failure to comply with this
27 Order, or any portion hereof, without sufficient cause, may also
28 subject you to liability for punitive damages in the amount of

1 three times the total of all costs incurred by the government as
2 a result of your failure to take proper action in accordance
3 with §107(c) of CERCLA.

4 It is so ordered on this 4 day of June 1984.

5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
6

7 BY: John Wise

8 for JUDITH E. AYRES
9 REGIONAL ADMINISTRATOR, REGION 9

10 Contact person:

11 Eric N. Koglin (T-4-2)
12 Environmental Protection Agency
215 Fremont Street
13 San Francisco, California 94105
Telephone: (415) 974-8919

14 After hours call the Duty Officer at:
(415) 974-8131
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